

Appl. No. 09/656,805
Amdt. Dated August 7, 2006
Reply to Office action of April 5, 2006

REMARKS

Applicant would like to thank the examiner for the careful consideration given the present application. Favorable reconsideration of the application is respectfully requested in view of the comments and amendments made herein.

Claims 53-69 were rejected under 35 U.S.C. 103(a) as being unpatentable over Juneau (U.S. Patent No. 6,022,311) in view of applicant submitted article: "Multi Component Injection Molding Rigid/Rigid and Rigid/Flexible Combinations" dated 18 October 1999 (hereinafter "the article"). Traversal of this rejection is made for at least the following reasons. The combination of Juneau and the article fails to teach or suggest injection molding a second functional part of a second material integrally with a first part of a first material and simultaneously performing manufacturing of the second part of the second material and assembling of the second part and of the first part, wherein manufacturing and assembling the first and second functional parts take place within a single mold, as required by claim 53. The examiner relies on outer layer 1 and soft center 2 as being equivalent to the claimed first and second parts, respectively. The examiner contends, "Juneau does not specifically teach how to manufacture the two part hearing aid device." Applicant disagrees. While details regarding the manufacture of the outer layer 1 are not present within Juneau, Juneau does teach that the soft center 2 is formed by using a syringe to extrude the soft material through an orifice in the outer layer *while the device is positioned within the patient's ear*. See col. 9, lines 4-15. Accordingly, the article, which discusses multi component injection molding, would not have provided motivation to one skilled in the art to change the method of manufacture for the hearing aid of Juneau. Specifically, in Juneau the hearing aid shell, which has already been manufactured via a suitable method, is placed in a patient's ear and the inner portion of the shell is then filled with the soft center portion. This assembly is left within the patient's ear until the soft center portion has hardened, thereby assuming the unique shape of the patient's ear canal. Thus, using multi component injection molding for manufacturing and assembling the outer layer 1 and soft center 2 of Juneau would render the teachings of Juneau unsatisfactory for its intended purpose. In other words, using an injection molding machine to manufacture and assemble the outer layer and soft center 2 of the Juneau hearing aid would not result in a custom fit hearing aid as taught by Juneau, in which the

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hearing aid structure is formed within a patient's ear so that the hearing aid is individually fitted to each patient.

Moreover, multi component injection molding has been known since at least 1970. Yet, this technique was never applied to hearing devices for replacing the conventional three step manufacturing method (manufacturing a first part, manufacturing a second part, and assembling the first and second parts). It is likely that the skilled artisan did not apply the multi component injection molding technique because he was barred to do so by the smallness of the hearing device parts and the accuracy of their assembly as necessary in the hearing device art. Thus, it is only by the applicant's inventiveness that the multi component injection molding technique was applied to hearing device manufacturing.

Because neither Juneau nor the article teaches or suggests each and every limitation as set forth in claim 53, the combination of Juneau and the article cannot render obvious claim 53. Withdrawal of this rejection is requested.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. 32955.

Respectfully submitted,



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